

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 817,

Charging Party,

v.

COUNTY OF MONTEREY,

Respondent,

MONTEREY COUNTY PARK RANGERS'
ASSOCIATION,

Intervenor.

Case No. SF-CE-63-M
(SF-CE-41-M)

Request to Sever

PERB Order No. Ad-331-M

February 25, 2004

Appearances: Van Bourg, Weinberg, Roger & Rosenfeld by Antonio Ruiz, Attorney, for Service Employees International Union, Local 817; Ellen M. Jahn, Deputy County Counsel, for County of Monterey; Silver & Katz by Lawrence Katz, Attorney, for Monterey County Dispatchers' Association and Monterey County Park Rangers' Association.

Before Baker, Whitehead and Neima Members.

DECISION

NEIMA, Member: This case involves an unfair practice charge filed by the Service Employees International Union, Local 817 (SEIU) on October 28, 2002. The charge alleged that the County of Monterey (County) violated the Meyers-Milias-Brown Act (MMBA)¹ by allowing the Monterey County Park Rangers' Association (MCPRA) to register as an employee organization under the County's local rules. Specifically, SEIU alleged that the

¹The MMBA is codified at Government Code section 3500 et seq.

County violated its duty of strict neutrality in the face of competing organizational campaigns between two employee organizations.

On December 5, 2002, the office of the general counsel issued a complaint. The County answered the complaint on December 19, 2002. That same day, the MCPRA filed an application to be joined as a party to this matter. On January 6, 2002, the administrative law judge (ALJ) granted the MCPRA's application for joinder. The ALJ also ordered that this case be consolidated with unfair practice charge Case No. SF-CE-41-M, which involved the identical issue with respect to the another unit of the County.

On April 29, 2003, the ALJ issued his proposed decision in the consolidated cases. The proposed decision found that the County violated the MMBA in Case No. SF-CE-41-M, but dismissed the complaint and underlying charge in Case No. SF-CE-63-M. Subsequently, a statement of exceptions was filed in Case No. SF-CE-41-M. No exceptions were filed in Case No. SF-CE-63-M. Because the cases were consolidated, however, both cases remain pending before the Public Employment Relations Board (Board).

On June 19, 2003, the MCPRA filed a request to sever Case No. SF-CE-63-M from Case No. SF-CE-41-M and to allow Case No. SF-CE-63-M to become a final order. The MCPRA argued that by preventing the decision in Case No. SF-CE-63-M from becoming final, its decertification efforts were being prejudiced. On June 25, 2003, the County joined in the MCPRA's request. On January 8, 2004, the Board afforded SEIU ten (10) days to respond to the request to sever. No response from SEIU was received.

Based on the facts discussed above, the Board finds good cause to grant MCPRA's request to sever Case No. SF-CE-63-M from Case No. SF-CE-41-M. As no exceptions have

been filed in Case No. SF-CE-63-M, the proposed decision of the ALJ will become final and be binding on the parties upon issuance of this decision.

ORDER

The request to sever Case No. SF-CE-63-M from Case No. SF-CE-41-M is hereby GRANTED.

Members Baker and Whitehead joined in this Decision.